THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.12107 OF 2005

DATED: 23-02-2007

Between:

The Depot Manager, APSRTC,
Tadepalligudem Depot, Tadepalligudem,
West Godavari District.

.. Petitioner

and

B. Raju, E.376370, Ex-Driver, APSRTC and
another.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.12107 OF 2005

ORDER:

This writ petition is filed seeking a certiorari to call for the record relating to the award dated 29.10.2004 in I.D.No.214 of 1999 passed by the 2nd respondent, and quash the same as arbitrary and illegal.

It appears, when the 1st respondent-workman was removed from service as a measure of disciplinary proceedings, he raised a dispute in I.D.No.214 of 1999 under Section 2-A (2) of the Industrial Disputes Act, 1947 (for short 'the Act'). The Labour Court, after detailed consideration of the matter, came to the conclusion that the punishment of removal from service, imposed on the workman, is not in proportion to the charges levelled against him and directed the petitioner-management to reinstate the workman with continuity of service, but without backwages. The Labour Court further held that notional increments shall be given to the 1st respondent-workman from the date of removal till the date of the award, but he is not entitled to any monetary benefit from the date of removal till the date of award. Aggrieved by the said award, the present writ petition is filed by the petitioner-management.

Heard both sides. Perused the impugned award and other material made available on record.

Absolutely, no ground is made out to interfere into the award passed by the Labour Court. Admittedly, charges levelled against the workman

were with regard to his involvement in criminal case, his failure to inform the officials about his arrest by police, in a crime not related to employment, and his absence from duties. Of course, the order of removal from service was passed after conducting a detailed enquiry.

In view of the facts and circumstances of the case, I am of the opinion that the punishment of removal from service, as found by the Labour Court, is shockingly disproportionate to that of the charges levelled against the 1st respondent-workman. Therefore, the award passed by the Labour Court cannot be said to be either arbitrary or illegal, calling for interference of this Court under Article 226 of the Constitution of India. The writ petition is devoid of merits and is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

C.V. RAMULU, J

23rd February, 2007.

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